

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 84-66

NPDES PERMIT NO. CA 0038466

REISSUING WASTE DISCHARGE REQUIREMENTS FOR:

CITY OF BERKELEY
BYPASS OR OVERFLOW OF UNTREATED SANITARY COLLECTION SYSTEM WASTES
BERKELEY
ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. The City of Berkeley, hereinafter called the discharger, submitted a report of waste discharge dated April 8, 1981 for reissuance of NPDES Permit No. CA 0038466.
2. The discharger is presently regulated by Board Order No. 76-105 and discharges untreated domestic and industrial wastewater from its sanitary sewer collection system as a result of bypasses or overflows. These overflows and bypasses occur when sewer capacity is exceeded as a result of inflow or infiltration of rainfall or rainfall runoff. The discharges contain pollutants, and occur at several locations within the sanitary sewer system. These intermittent wet weather discharges eventually reach Central San Francisco Bay and its tributaries, all waters of the United States, via the storm drainage system.
3. Inflow and infiltration of stormwater also contributes to the overflows from the East Bay Municipal Utility District, Special District No. 1, interceptor system and bypassing of its treatment facility. These bypasses and overflows all contain pollutants and discharge into San Leandro Creek and Elmhurst Creek which are tributary to San Leandro Bay; Temescal Creek and Cerrito Creek, which are tributary to Central San Francisco Bay. All of the above are also waters of the United States.
4. The discharger is one of the seven communities participating in the East Bay Infiltration/Inflow Study to develop and implement solutions to the discharger's, EBMUD S.D. 1's, and other communities' overflow and bypass discharges.
5. The Regional Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on July 21, 1982. The Basin Plan contains water quality objectives and beneficial uses for San Francisco Bay and contiguous waters as well as the Board's recommended approach to control the seasonal degradation of water quality which results from wet weather overflows of wastewater from collection, conveyance (e.g. interceptors), and treatment facilities. The Basin Plan allows for

exceptions for wet weather discharges such as the discharger's where an inordinate burden would be placed on the discharger relative to beneficial uses protected and an equivalent level of environmental protection can be achieved by alternate means.

6. The beneficial uses of Central San Francisco Bay and contiguous water bodies are:
 - o Water contact recreation
 - o Non-contact recreation
 - o Wildlife habitat
 - o Preservation of Rare and Endangered Species
 - o Estuarine Habitat
 - o Fish migration and spawning
 - o Industrial service supply
 - o Shellfish Harvesting
 - o Navigation
 - o Commercial and Sport Fishing
7. East Bay Municipal Utility District, Special District No. 1, has an approved EPA Local Pretreatment Program for source control and application of pretreatment standards that regulates the industrial and commercial dischargers in the discharger's community to the collection system and EBMUD Water Pollution Control Plant. The Local Pretreatment Program is regulated under NPDES Permit No. CA037702.
8. On December 27, 1982, EBMUD SD1, on the request of the discharger applied to the U.S. Environmental Protection Agency for Modification of secondary Treatment requirements under Section 301(h) of the Clean Water Act. A favorable finding on the application would benefit the discharger. The Board must also review and approve this application. At this time the Board is not ready to make an initial or final determination on this application pending the EPA's redefinition of Secondary Treatment (probable October 1985), the updating of the EBMUD SD 1 wet weather facility plans, and the completion of the East Bay Infiltration/Inflow Study in Spring 1985.
9. At its August 15, 1984 meeting the Board implemented the California NPDES Compliance Policy and required the discharger to submit a Municipal Compliance Plan by June 1985 to meet NPDES Permit requirements not later than July 1, 1988.
10. This Order serves as an NPDES Permit, reissuance of which is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
11. The discharger and interested agencies and persons have been notified of the Board's intent to reissue requirements for the existing discharge and have been provided with the opportunity for a public hearing and the opportunity to submit their written views and recommendations.
12. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, that the discharger in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder shall comply with the following:

A. Discharge Prohibitions

1. Discharge of dry weather waste from wet weather overflow or bypass structures is prohibited.
2. Discharge of untreated waste to waters of the State, regardless of dilution provided is prohibited. This includes bypasses or overflows of untreated sanitary sewage into storm sewers.

The Board will consider exceptions to this Discharge Prohibition A.2. upon completion of Provision B.4.c. below and as described in Findings 5. and 8. above.

B. Provisions

1. The discharge of pollutants shall not create a nuisance as defined in the California Water Code.
2. The requirements prescribed by this Order supersede the requirements prescribed by Order No. 76-105. Order No. 76-105 is hereby rescinded.
3. The discharger shall comply with Discharge Prohibition A.1. (prohibition of dry weather discharge) and Provision B.1. (nuisance) immediately upon adoption of this order.
4. The discharger shall comply with following time schedule to assure compliance with those Prohibition and Provisions not specified in Provision 3:

<u>Task</u>	<u>Report of Compliance Due</u>
a. Provide status report on compliance.	January 2, 1985
b. Submit Draft Municipal Compliance Plan	April 1, 1985
c. Submit Final Municipal Compliance Plan.	June 1, 1985

The discharger shall submit to the Board, on or before each compliance report date, a report detailing his compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the discharger will be in noncompliance. The discharger shall notify the Board by

letter when he has returned to compliance with the time schedule.

5. The discharger shall comply with all items of the attached "Standard Provisions, Reporting Requirements and Definitions" dated April 1977 with the exception of Provision A.12. and Reporting Requirements B.2. and B.3.

Item C.2. of the Standard Provisions shall be amended to read as follows:

"The 30-day, or 7-day, average discharge is the total discharge by weight during a 30, or 7, consecutive calendar day period, respectively, divided by the number of days in the period that the facility was discharging. Where less than daily sampling is required by this permit, the 30-day, or 7-day, average discharge shall be determined by the summation of all the measured discharges by weight divided by the number of days during the 30, or 7 day, consecutive calendar day period when the measurements were made. For other than 30-day or 7-day periods, compliance shall be based upon the average of all measurements made during the specified period."

6. This Order expires September 19, 1989. The discharger must file a report of waste discharge in accordance with Title 23, Chapter 3, Subchapter 9 of the California Administrative Code not later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.
7. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act or amendments thereto, and shall become effective 10 days after date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on September 19, 1984.

ROGER B. JAMES
Executive Officer

Attachment:

Standard Provisions, Reporting Requirements and Definitions--April 1977